

mendation that it *do* pass, and that it be not printed.

BEATY, Acting Chairman.

HOUSE BILL NO. 19—RE-REFERRED.

On motion of Senator Hanger

House bill No. 19, A bill to be entitled "An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to have emanated from the Spanish or Mexican government; to adjust and settle the rights of the State and the owners or claimants, respectively, of such lands, and if found valid, to confirm as against the State the right and title of such claimants or owners, and to provide for the patenting of the same when title thereto has been confirmed by suit or otherwise, and for the recovery thereof by the State when the claimant has no title thereto,"

Which had previously been referred to the Committee on Public Lands and Land Office,

Was withdrawn from that committee and referred to Judiciary Committee No. 1.

SENATE BILLS NOS. 6, 8 AND 19— SIGNED BY THE PRESIDENT.

The President gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 6, "An Act to permit owners of real estate sold to the State of Texas for taxes to redeem the same."

Senate bill No. 8, "An Act validating the incorporation for school purposes only of the town of Childress independent school district, heretofore incorporated as an independent school district in Childress county; validating the acts of the board of trustees thereof, and providing for the control of the public schools, and the erection and purchase of sites and school buildings therein, as now provided by law for independent school districts in towns and villages."

Senate bill No. 19, "An Act to validate the incorporation of the city of Athens, Henderson county, Texas."

Committee Room,

Austin, Texas, August 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 19, being a bill to be entitled "An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to

have emanated from the Spanish or Mexican government; to adjust and settle the rights of the State and the owners or claimants, respectively, of such lands, and if found valid to confirm as against the State the right and title of such claimants or owners, and to provide for the patenting of the same when title thereto has been confirmed by suit or otherwise, and for the recovery thereof by the State when the claimant has no title thereto,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

HANGER, Acting Chairman.

HOUSE BILL NO. 19—ON SECOND READING.

On motion of Senator Turner, the Senate rule requiring committee reports to lay over for one day was suspended and the Senate took up, out of its order,

House bill No. 19, A bill to be entitled "An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to have emanated from the Spanish or Mexican government; to adjust and settle the rights of the State and the owners or claimants, respectively, of such lands, and if found valid, to confirm as against the State the right and title of such claimants or owners, and to provide for the patenting of the same when title thereto has been confirmed by suit or otherwise, and for the recovery thereof by the State when the claimant has no title thereto,"

Reported this day from committee, for the purpose of considering the bill on its second reading.

The bill was read second time, and passed to a third reading.

ADJOURNMENT.

Senator Turney moved that the Senate stand adjourned until 10 o'clock a. m., Monday, September 2.

The motion prevailed, and the Senate, at 11 o'clock a. m., accordingly adjourned.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Tex., Monday, Sept. 2, 1901.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

The roll was called, a quorum being

present, the following Senators answering to their names:

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
James.	Turner.
Johnson.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Absent.

Dibrell.	Lipscomb.
Goss.	Swann.
Harris of Hunt.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday and Saturday (seventeenth day), the same, on motion of Senator Wilson, was dispensed with.

EXCUSED.

On motion of Senator Savage, Senator Neal was excused for non-attendance upon the Senate on last Saturday on account of important business.

On motion of Senator Davidson of Galveston, Senator Lipscomb was excused for non-attendance upon the Senate on last Saturday on account of important business.

On motion of Senator James, Senator Odell was excused for non-attendance upon the Senate on last Saturday on account of important business.

On motion of Senator Harris of Bexar, Senator Miller was excused for non-attendance upon the Senate on last Saturday on account of important business.

On motion of Senator Lloyd, Senator Swann was excused for non-attendance upon the Senate on last Saturday on account of important business.

On motion of Senator Grinnan, Senator Dibrell was excused from further attendance upon the Senate until tomorrow on account of important business.

On motion of Senator James, Senator Yett was excused for non-attendance upon the Senate on last Saturday on account of important business.

COMMITTEE REPORT.

The following committee report was made to the Senate:

Committee Room,
Austin, Texas, September 2, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 24, being a bill to be entitled "An Act to provide for the maintenance, care and education of children who are deaf, dumb and blind,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

STAFFORD, Chairman.

The President here declared the morning call concluded.

SENATE BILL NO. 10—HOUSE AMENDMENTS CON- CURRED IN.

Senator Beaty called up from the table, where it lay with House amendments,

Senate bill No. 10, A bill to be entitled "An Act to amend Section 1 of an act entitled 'An Act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding the district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1899; to create the Fifty-eighth Judicial District of the State of Texas, to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other process heretofore issued out of the district court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The President laid the bill before the Senate, and

Senator Beaty moved that the Senate concur in the following House amendments:

1. "Amend the bill by striking out Section 7 and insert in lieu thereof the following:

"Section 7. Immediately on the passage and taking effect of this act the Governor shall appoint a judge for the Fifty-eighth Judicial District, who shall

hold his office until the next general election held for State and county officers, and until his successor is elected and qualified.'

2. "Amend the bill by inserting Section 8, which will read as follows:

"Section 8. This law shall remain in effect until the first day of January, A. D. 1907, when the Fifty-eighth Judicial District and the offices created by this act shall cease to exist, and there shall be no election of a district judge or district attorney for said district at the general election in 1906, and from and after the first day of January, A. D. 1907, the counties now composing the First Judicial District of Texas shall again compose that district, and the courts shall be held therein as provided by law immediately prior to the passage of this act.'

"And change the numbers of the subsequent sections of the bill to correspond."

The amendments were read, and concurred in by the following vote:

Yeas—24.

Beaty.	Odell.
Davidson of	Paulus.
DeWitt.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
James.	Turner.
Johnson.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Nays—1.

Patterson.

Absent.

Goss.	Lipscomb.
Harris of Bexar.	Swann.
Harris of Hunt.	

Absent—Excused.

Dibrell.

SENATE BILL NO. 13—HOUSE AMENDMENTS CON- CURRED IN.

Senator Davidson of Galveston called up from the table, where it lay with House amendments,

Senate bill No. 13, A bill to be entitled "An Act to give effect to Section 7, Article 11, of the Constitution, authorizing all counties and cities bordering on the coast of the Gulf of Mexico to construct seawalls and breakwaters, to issue bonds therefor and levy a tax for the payment thereof."

The President laid the bill before the Senate, and

Senator Davidson of Galveston moved that the Senate concur in the following House amendments:

"1. Amend the caption of said Senate bill No. 13 by adding thereto the following: 'And to further provide for construction and maintenance of said works and payment of said bonds by sale or rent of lands reclaimed from the sea or otherwise acquired for breakwater purposes.'

"2. Amend Section 1 of said Senate bill No. 13 by inserting in line 26, page 1, after the word 'taxes,' the following words: 'Not to exceed, in any one year, fifty cents on the \$100 of taxable values of said county or city.'

"3. Amend Section 2 of Senate bill No. 13 by adding at the end of said section after the word 'breakwater,' the following words: 'And to license, regulate or grant such additional uses of said seawalls or breakwaters as will not impair their efficiency.'

"4. Amend Section 3 of said Senate bill No. 13 by adding after the word 'corporation' at the end of said section the following provisions: 'Provided, nevertheless, that said county commissioners court or said municipal authorities shall be empowered to take the fee simple estate to the land condemned or acquired hereunder, whenever deemed necessary for the purposes of this act; and provided further, that before exercising the power of eminent domain hereunder said county commissioners court or said municipal authorities shall, by order, ordinance or resolution duly entered on the minutes of the county commissioners court, or the city council, define and describe the lands needed and determine whether an easement or a fee simple estate in said land shall be taken.'

"5. Amend Section 5 of Senate bill No. 13 by striking out in lines 23, 24 and 25, page 4, the following words: 'Provided their names shall appear on said assessment rolls.'

"6. Amend Section 5 of said Senate bill No. 13 by adding the letter 's' to the word 'roll' in line 7, page 4.

"7. Amend Section 5 of Senate bill No. 13 by striking out in line 10, page 4, the word 'therein' and by inserting in lieu of 'therein' the following words: 'And taxpayers entitled to vote hereunder.'

"8. Amend Section 5 of Senate bill No. 13 by inserting after the word 'general' in line 22, page 5, the following words: 'State and county, or municipal.'

"9. Amend Section 5 of Senate bill No. 13 by inserting after the word 'authorities' in line 2, page 6, at the end of said section the following words: 'And

the proposition to levy a tax hereunder may be renewed until the power to tax hereunder shall have been exhausted.'

"10. Amend Section 7 of Senate bill No. 13 by striking out in lines 9, 10 and 11, page 7, the words 'without regard to the general limitations of taxes prescribed by said counties or cities.'

"11. Amend Section 7 of Senate bill No. 13 by inserting in line 30, page 7, after the word 'bonds' the following word: 'Provided.'

"12. Amend Section 9 of Senate bill No. 13 by inserting after the word 'authorized' in line 31, page 8, the following words: 'And from the sale or rent of reclaimed or other lands acquired under this act, and from additional uses of said works as herein authorized.'

"13. Amend said Senate bill No. 13 by adding after Section 9 the following section:

"Section 10. All bonds issued hereunder shall be issued under and subject to the provisions of Articles 918a to 918f, inclusive, of the Revised Statutes or this State now in force, in so far as said articles do not conflict with the provisions of this act and this act shall apply to all cities bordering on the coast of the Gulf of Mexico, whether said cities are incorporated by general or special laws, and all laws or parts of laws in conflict herewith are hereby repealed."

"14. Amend said Senate bill No. 13 by changing section number of Section 10 so as to read 'Section 11.'"

The amendments were read, and concurred in by the following vote:

Yeas—21.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Staples.
Lloyd.	Turner.
McGee.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.
Odell.	Yett.

Nays—1.

Patterson.

Absent.

Davidson of	Harris of Hunt.
DeWitt.	Lipscomb.
Goss.	Swann.
Hanger.	Turney.
Harris of Bexar.	

Absent—Excused.

Dibrell.

FIRST HOUSE MESSAGE.

The following first House message was here delivered to the Senate:

Hall of the House of Representatives.

Austin, Texas, September 2, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill, to wit:

Substitute House bill No. 7, A bill to be entitled "An Act to amend Articles 16 and 17, Title IV, Revised Statutes of Texas of 1895, and to apportion the State of Texas into senatorial districts, and to provide for receiving and canvassing the election returns and issuing certificates of election."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

SENATE BILL NO. 10—SIGNED.

The President gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Senate bill No. 10, "An Act to amend Section 1 of an act entitled 'An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding the district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1899; to create the Fifty-eighth Judicial District of the State of Texas, to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other process heretofore issued out of the district court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

SENATE BILL NO. 24—ON SECOND AND THIRD READINGS.

On motion of Senator Savage, the regular order of business,

House bill No. 19, A bill to be entitled "An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to have emanated from the Spanish or Mexican government; to adjust and settle the rights of the State and the owners or claim-

ants, respectively, of such lands, and if found valid, to confirm as against the State the right and title of such claimants or owners, and to provide for the patenting of the same when title thereto has been confirmed by suit or otherwise, and for the recovery thereof by the State when the claimant has no title thereto."

Was suspended and the Senate took up, out of its order,

Senate bill No. 24, A bill to be entitled "An Act to provide for the maintenance, care and education of children who are deaf, dumb and blind,"

Reported this day from committee.

On further motion of Senator Savage, the Senate rule governing committee reports was suspended for the purpose of considering the bill on its second reading.

The President laid the bill before the Senate, on its second reading.

Bill read second time and ordered engrossed.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Davidson of	Odell.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Staples.
Lipscomb.	Turner.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Wheeler.
Neal.	Yett.

Nays—1.

Patterson.

Absent.

Beaty.	Harris of Hunt.
Goss.	Swann.
Grinnan.	Wilson.
Harris of Bexar.	

Absent—Excused.

Dibrell.

The bill was read third time and passed by the following vote:

Yeas—22.

Davidson of	McGee.
DeWitt.	Miller.
Davidson of	Neal.
Galveston.	Odell.
Grinnan.	Paulus.
James.	Potter.
Johnson.	Savage.
Lipscomb.	Sebastian.
Lloyd.	Stafford.

Staples.	Wheeler.
Turner.	Wilson.
Wayland.	Yett.

Nays—1.

Patterson.

Absent.

Beaty.	Harris of Hunt.
Goss.	Swann.
Hanger.	Turney.
Harris of Bexar.	

Absent—Excused.

Dibrell.

Senator Savage moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed:

SENATE BILL NO. 24—REASONS FOR VOTE.

"I vote 'yea' on this bill because some provision should be made for these children, but recognizing that the bill was reported too late in the session to become a law under the provisions of the Constitution requiring bills to be reported three days before final adjournment.

"POTTER."

IN THE SENATE.

The President had read and referred the following (see foregoing first House message for caption) House bill:

Substitute House bill No. 7, referred to Committee on Apportionment.

HOUSE CONCURRENT RESOLUTION NO. 6—ON SECOND READING.

On motion of Senator Staples, the regular order of business (House bill No. 19) was suspended, and the Senate took up, out of its order,

House Concurrent Resolution No. 6, as follows:

Be it resolved by the House of Representatives, the Senate concurring, That the Governor be and he is hereby requested, in case he calls the Twenty-seventh Legislature together in a Second Special Session, to submit for its consideration all the demands of the last democratic platform which were not enacted into laws at the Regular Session of the Twenty-seventh Legislature.

The resolution was read second time.

RECESS.

Pending further consideration of the foregoing resolution,

Senator Paulus moved that the Senate take a recess until 3 o'clock p. m.

The motion prevailed, and the Senate recessed accordingly, with House Con-

current Resolution No. 6 pending on second reading.

AFTER RECESS.

COMMITTEE REPORT.

The following committee report was made to the Senate:

Committee Room,

Austin, Texas, September 2, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 24, being A bill to be entitled "An Act to provide for the maintenance, care and education of children who are deaf, dumb and blind,"

And find the same correctly engrossed.

BEATY, Chairman.

SENATE BILLS NOS. 13 AND 17— SIGNED.

The President gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 13, "An Act to give effect to Section 7, Article 11, of the Constitution, authorizing all counties and cities bordering on the coast of the Gulf of Mexico to construct seawalls and breakwaters, to issue bonds therefor and levy a tax for the payment thereof."

Senate bill No. 17, "An Act to amend Sections 33, 34, 36 and 37 of an act entitled 'An Act to incorporate the city of Austin, to grant it a new charter, and to fix its boundaries,' approved April 13, 1901, so as to provide for the refunding of its bonded debt, and to further define its powers and duties relative to its bonded indebtedness."

HOUSE BILL NO. 19—ON THIRD READING.

On motion of Senator Potter, the pending order of business, House Concurrent Resolution No. 6, was suspended, and the Senate took up, out of its order,

House bill No. 19, A bill to be entitled "An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to have emanated from the Spanish or Mexican government; to adjust and settle the rights of the State and the owners or claimants, respectively, of such lands, and if found valid, to confirm as against the State the right and title of such claimants or owners, and to provide for the patenting of the same when title thereto has been confirmed by suit or other-

wise, and for the recovery thereof by the State when the claimant has no title thereto."

The President laid the bill before the Senate, on its third reading.

The bill was read third time, and passed.

HOUSE BILL NO. 28—ON THIRD READING.

On motion of Senator Wilson, the pending order of business, House Concurrent Resolution No. 6, was suspended and the Senate took up, out of its order,

House bill No. 2, A bill to be entitled "An Act to create a more efficient road system for Cass county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioner, and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the poor farm as well as upon the public roads, or partly upon both on the discretion of the commissioners court, and making provisions applicable as far as practicable to convicts when worked on county farms, and to provide for the summoning of teams for road work, and for the allowance of time for same, and fixing a penalty for violation of this act, and repeal all laws in conflict with this act as to Cass county, and to authorize the commissioners court of Cass county to create the office of superintendent of public roads and bridges for Cass county, and defining his duties, and providing for compensation of said superintendent, and prescribing bond to be given by said officer; providing that delinquent poll taxpayers shall be subject to three days road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone, or other necessary material, and giving persons summoned to work on roads the right to be relieved as from the discharge of such duty on payment of specific sums of money herein stipulated, and to authorize and empower the said county of Cass to issue bonds for the construction and maintenance of public roads and highways within the said county, and to provide for a tax to create a sinking fund to pay same."

The President laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

HOUSE CONCURRENT RESOLUTION NO. 6—CONSIDERATION OF IN- DEFINITELY POSTPONED.

Question recurring on pending business, House Concurrent Resolution No. 6, the same, on motion of Senator Hanger, was indefinitely postponed by the following vote:

Yeas—15.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Davidson of	Stafford.
Galveston.	Turner.
Dibrell.	Turney.
Hanger.	Wilson.
Johnson.	Yett.
Neal.	

Nays—8.

Grinnan.	McGee.
Harris of Bexar.	Miller.
James.	Odell.
Lloyd.	Wheeler.

Absent.

Goss.	Sebastian.
Harris of Hunt.	Staples.
Lipscomb.	Swann.
Patterson.	Wayland.

Senator Hanger moved to reconsider the vote by which the resolution was indefinitely postponed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 23—ON SECOND READING.

The President laid before the Senate, pending on its second reading, the regular order of business,

Senate bill No. 23, A bill to be entitled "An Act to amend Section 3, Chapter 75, Laws of the Regular Session of the Twenty-seventh Legislature, being the Grayson county road law."

The bill was read second time, and

On motion of Senator Potter, was laid on the table subject to call.

ADJOURNMENT—MOTION TO LOST.

Senator Neal moved that the Senate stand adjourned until 9:30 o'clock a. m. tomorrow.

The motion was lost by the following vote:

Yeas—6.

Beaty.	Neal.
Grinnan.	Odell.
McGee.	Patterson.

Nays—13.

Dibrell.	Miller.
Johnson.	Paulus.
Lloyd.	Potter.

Sebastian.	Wheeler.
Stafford.	Wilson.
Turney.	Yett.
Wayland.	

Absent.

Davidson or	Harris of Hunt.
DeWitt.	James.
Davidson of	Lipscomb.
Galveston.	Savage.
Goss.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.

The foregoing roll call having developed the absence of a quorum,

Senator Wheeler moved a call of the Senate for the purpose of securing a quorum, which call being duly seconded, the roll was called the following Senators answering to their names:

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Grinnan.	Sebastian.
Hanger.	Turner.
Harris of Bexar.	Turney.
Johnson.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Neal.	Stafford.

Absent.

Davidson of	Lipscomb.
Galveston.	Savage.
Goss.	Staples.
Harris of Hunt.	Swann.
James.	

A quorum was announced present.

COMMITTEE REPORT.

By unanimous consent, the following committee report was made to the Senate:

Committee Room,

Austin, Texas, September 2, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 39, being a bill to be entitled "An Act to amend Title XI, Chapter 6, Articles 402 and 406, of the Penal Code of the State of Texas, of 1895, relating to the sale of intoxicating liquors, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

MILLER, Acting Chairman.

HOUSE BILL NO. 39—ON SECOND READING.

Senator Wheeler called up House bill No. 39, reported this day from committee, and moved that the Senate rule governing committee reports be suspended for the purpose of considering the bill on its second reading.

The rule being suspended, the President laid the bill before the Senate, on its second reading.

House bill No. 39, A bill to be entitled "An Act to amend Title XI, Chapter 6, Articles 402 and 406, of the Penal Code of the State of Texas of 1895, relating to the sale of intoxicating liquors, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

Bill was read second time, and

Senator Wheeler offered the following amendment:

"Amend by striking out all after the enacting clause and insert the following:

"Section 1. That Article 406 of the Penal Code of the State of Texas be so amended so as to hereafter read as follows:

"Article 406. If any person shall keep or run, or shall be in any manner interested in keeping or running, a blind tiger in any county, or in any justice precinct, city, town, school district, or any other subdivision of the county, in which the sale of intoxicating liquor has been prohibited under the laws of this State, he shall be punished by confinement in the county jail not less than two nor more than twelve months and by a fine of not less than one hundred nor more than five hundred dollars. Each and every day such "blind tiger" is run or kept shall be a separate offense. A "blind tiger," within the meaning of this article, is any place in which intoxicating liquors are sold by any device whereby the party selling or delivering the same is concealed from the person buying or to whom the same is delivered. Upon complaint being filed to any justice of peace describing the place where any "blind tiger" is kept or run, such justice shall issue his warrant directed to and commanding the sheriff or any constable of his county to search such place, and if the law is being violated to arrest the person so violating it, and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant, and to arrest and bring before the justice who issued the writ all persons found by him therein; and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. In prosecutions

under this article, where it is proven that there is posted up at the place where such "blind tiger" is kept or run United States internal revenue liquor or malt license, to any one, it shall be prima facie proof to whom such license is issued is keeping or running such "blind tiger."

"Section 2. The fact that there is now no law prohibiting the keeping or running of "blind tigers" in school districts in which the sale of intoxicating liquors have been prohibited under the laws of this State, creates an emergency and an imperative public necessity that this act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and adopted, and

Senator Wheeler offered the following amendment:

"Amend the caption by striking out the word 'articles,' in line 2, engrossed bill, and insert in lieu thereof the word 'article,' and by striking out in same line the figures '402' the word 'and' immediately before the figures '406.'"

The amendment was read and adopted, and

Senator Wheeler offered the following amendment:

"Amend by striking out in line 10 engrossed bill, the word 'articles,' and the figures '402,' and insert in lieu thereof the word 'article.'"

The amendment was read and adopted, and the bill was passed to a third reading.

COMMITTEE REPORTS.

By unanimous consent, the following committee reports were made to the Senate:

Committee Room,

Austin, Texas, August 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared .

Senate bill No. 8, being "An Act validating the incorporation for school purposes only of the town of Childress independent school district, heretofore incorporated as an independent school district in Childress county; validating the acts of the board of trustees thereof, and providing for the control of the public schools, and the erection and purchase of sites and school buildings therein, as now provided by law for independent school districts in towns and villages incorporated for free school purposes only, and validating the levy of tax heretofore made for the support and

maintenance of public schools and the levy of the tax heretofore made for purchase of school house sites and purchase and erection of school buildings in said district, and the issuance of bonds by said trustees."

And find the same correctly enrolled, and have this day, at 12 o'clock m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,
Austin, Texas, August 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 6, "An Act to permit owners of real estate sold to the State of Texas for taxes to redeem the same,"

And find the same correctly enrolled, and have this day, at 12 o'clock m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,
Austin, Texas, August 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 19, "An Act to validate the incorporation of the city of Athens, Henderson county, Texas,"

And find the same correctly enrolled, and have this day, at 12 o'clock m., presented the same to the Governor for his approval.

WILSON, Chairman.

ADJOURNMENT.

Senator Patterson moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow.

The motion prevailed, and the Senate, at 5:25 o'clock p. m., adjourned accordingly.

NINETEENTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, Sept. 3, 1901.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

The roll was called, a quorum being present, the following Senators answering to their names:

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
McGee.	Yett.
Miller.	

Absent.

Goss.

Staples.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday (eighteenth day), the same, on motion of Senator Swann, was dispensed with.

HOUSE BILL NO. 19, SENATE CONCURRENT RESOLUTION NO. 3, AND HOUSE CONCURRENT RESOLUTIONS NOS. 3 AND 4—SIGNED.

The President gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 19, "An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to have emanated from the Spanish or Mexican government; to adjust and settle the rights of the State and the owners or claimants, respectively, of such lands, and if found valid, to confirm as against the State the right and title of such claimants or owners, and to provide for the patenting of the same when title thereto has been confirmed by suit or otherwise, and for the recovery thereof by the State when the claimant has no title thereto."

Senate Concurrent Resolution No. 3, expressing approval of the movement to establish monument and park upon the Aloma battle ground site.

House Concurrent Resolution No. 3, authorizing the Superintendent of Public Buildings and Grounds to rent a part of the old court house site in Travis county, Texas.

House Concurrent Resolution No. 4, providing that the Congress of the United States be petitioned by the Legislature to amend the Act of March 3, 1891.

The President here declared the morning call concluded.